



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Dated: 06/09/2022

PRESENT

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The Hon'ble Mr.Justice G.ILANGO VAN

Crl.OP(MD)No.14209 of 2022

T.Aravinth Kumar @ Aravinthan : Petitioner/Accused No.3

Vs.

State rep. By
The Inspector Police,
Thattaparai Police Station,
Thoothukudi District.
(Crime No.38 of 2022)

: Respondent/Complainant

For Petitioner : Mr.S.Muthumalai Raja, Advocate
For Respondent : Mr.P.Kottai Chamy
Government Advocate (Criminal side)

PETITION FOR ANTICIPATORY BAIL under Sec.438 of Cr.P.C.

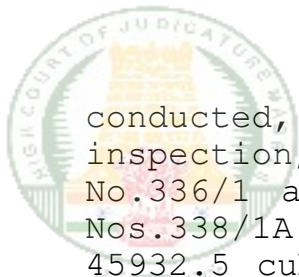
PRAYER:-

For Anticipatory Bail in Crime No.38 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order:-

The petitioner, who is arrayed as A3 apprehending arrest at the hands of the respondent police for the offences punishable under section 379 IPC and sections 21(1) and 21(4) of the Mines and Minerals (Development and Regulation) Act, 1957, in Crime No.38 of 2022 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the de-facto complainant is the Assistant Geologist/Assistant Director in the Department of Geology and Mining, Thoothukudi. He has stated in the complaint that for the purpose of taking gravel sand for Vanji Maniyachi to Nagercoil Railway Line, permission was granted to take the sand in Survey No.6/1 for 10,000 cubic metre, as per the order of the District Collector, dated 19/01/2022 in favour of one Bharath Engineering Company. But on inspection, it was found that illegal sand mining activities also took place in survey No.336/1 at Valayarkulam and in Survey Nos. 339/2, 338/1A and 338/1B, which are patta lands. So on the basis of the information furnished by the Village Administrative Officer, the above said inspection was



conducted, on 15/12/2021 at about 11.30 am. On the inspection, it was found that totally 880 cubic metre in Survey No.336/1 and 9142.5 cubic meter in survey No.339/2 and in survey Nos.338/1A and 338/2 to an extent of 35910 cubic meters. So totally, 45932.5 cubic meters of gravel sand was taken illegally. So action was initiated against the above said company and the authorised agent of the company and the pattadhar namely Aravinthan.

3.Now seeking anticipatory bail, this petition has been filed by the petitioner to the effect that he is not the pattadhar in respect of the above said survey numbers.

4.The Investigating Officer was directed to present before this court and he would submit that this petitioner orally granted permission to take the gravel sand in his patta land. Along with this petition, the petitioner also enclosed the patta standing in the name of Subramani and others in respect of survey Nos.339/2, 338/1B and in respect of survey No.338/1A, it is standing in the name of one Kannan. So according to the petitioner, he is not the owner or pattadhar for the survey Nos.339/2, 338/1A and 338/1B. But in respect of survey No.336/1, no document has been produced. Whether this petitioner is the owner of the survey No.336/1 or not is a matter for investigation.

5.The entire CD file has been called for and perused.

6.From the perusal of the records, it is seen that the main allegation against this petitioner is that he was illegally doing mining activities in survey No.338/1 belongs to one Kannan by stating that the above said property is under his care and management. So according to the prosecution, by colluding with A1, this petitioner has permitted the illegal mining activities in the above said survey number, which belongs to the above said Kannan. This is the allegation. Earlier FIR has been registered against him and one another person, in Crime No.398 of 2022. In the above said case, on 15/12/2021 at about 7.45 pm, the police inspected the Lorry bearing registration No.TN-69-BC-6296, which was loaded with savudu sand. On enquiry, the above driver shown a trip slip and stated that this petitioner is helping the above said company to take the sand in the property, for which licence was not granted by the District Collector. Subsequent to the above occurrence, it is seen that the present inspection was undertaken, on 15/02/2022. So this is the subsequent event of the above said Crime No.398 of 2021, wherein the petitioner was granted anticipatory bail on the ground that he is not involved in previous case of similar in nature.

7.But from the perusal of the CD file shows that large scale illegal sand mining activities have been undertaken at the instance of this petitioner. So he is not entitled for anticipatory bail, it requires thorough investigation to show his involvement. He must be



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8. In the result, this criminal original petition is **dismissed**.

sd/-

06/09/2022

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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1. THE INSPECTOR OF POLICE,
THATTAPARAI POLICE STATION,
THOOTHUKUDI DISTRICT.
2. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP(MD) No.14209 of 2022

Date :06/09/2022

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USK/VR/SAR-II/20.09.2022/3P/3C